ENVIRONMENTAL PROTECTION AGENCY

[FRL-10013-52-Region 3]

Clean Water Act: Maryland-City of Annapolis and Anne Arundel County Vessel Sewage No-Discharge Zone for Thirteen Waters-Tentative Affirmative Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative affirmative determination.

SUMMARY: Notice is hereby given that an application for a no-discharge zone has been received from the Secretary of Natural Resources and Secretary of the Environment on behalf of the State of Maryland requesting a determination by the Regional Administrator, U.S. Environmental Protection Agency (EPA), Region 3, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for thirteen waters located in the City of Annapolis and Anne Arundel County, Maryland, pursuant to the Clean Water Act. The EPA is requesting comments on this application and whether EPA should finalize its tentative affirmative determination, or make a negative determination, on the proposed designation of a no-discharge zone for all and/or any of the thirteen waters located in the City of Annapolis and Anne Arundel County as provided in the Clean Water Act. The application is available upon request from EPA (at the email address below) or at https://dnr.maryland.gov/boating/Documents/AANDZApplication.pdf.

DATES: Comments must be received in writing to EPA on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Comments should be sent to Matthew A. Konfirst, U. S. Environmental Protection Agency – Mid-Atlantic Region, 1650 Arch Street, Mail Code 3WD31, Philadelphia, PA 19103-2029, or emailed to konfirst.matthew@epa.gov. Only written comments will be considered.

FOR FURTHER INFORMATION CONTACT: Matthew A. Konfirst, U. S. Environmental

Protection Agency – Region III. Telephone: (215) 814-5801, Fax number: (215) 814-5007; email address: konfirst.matthew@epa.gov.

SUPPLEMENTARY INFORMATION:

This proposed sewage no-discharge zone includes 13 water bodies wholly within Anne Arundel County (Stoney Creek, Rock Creek, Bodkin Creek, the Atlantic Marina Resort, Magothy and Little Magothy Rivers, Severn River, South River, West and Rhode Rivers, Podickory Creek, Sandy Point/Mezick Ponds, Whitehall Bay, Oyster Cove and Fishing Creek). While these waterbodies constitute nearly all of the county's waters, a few water bodies have been excluded. The exclusions include two inter-jurisdictional rivers that border the county (the Patapsco River and Patuxent River), as well as Curtis Creek, which creates additional interjurisdictional complications for no-discharge zone management and is also the most heavily industrialized creek in the county with limited recreational boating activity. Maryland's proposed NDZ for the 13 water bodies if approved would total 27,379 acres, which would add to the 3,500 acres of the Herring Bay no-discharge zone that was approved in 2002. (67 FR 1352, January 10, 2002). Maryland has requested that should EPA determine that one (or more) of the 13 creeks, bays, or rivers do not meet the criteria for NDZ designation, such individual part be denied independently from the remaining waters in the application as a whole. As described in Maryland's application, local entities undertook robust public outreach and held a number of public meetings with boaters and other stakeholders.

Waterbody	V	Area (acres)		
Stony Creek	39.1723°N,	to	39.1725°N,	677
	76.5171°W		76.5126°W	
Rock Creek	39.1614°N,	to	39.1625°N,	524
	76.5004°W		76.4862°W	
South Shore, Patapsco River	39.1472°N,	to	39.1471°N,	2
	76.4588°W		76.4587°W	

Bodkin Creek	39.1346 °N,	to	39.1321°N,	609
	76.4398°W		76.4378°W	
Magothy and Little Magothy Rivers	39.0597°N,	to	39.0527°N,	5,879
	76.4332°W		76.4382°W	
Podickory Creek	39.0328°N,	to	39.0317°N,	9
	76.4040°W		76.4048°W	
Sandy Point/Mezick Ponds	39.0082°N,	to	39.0081°N,	47
	76.4031°W		76.4033°W	
Whitehall Bay	39.9748°N,	to	38.9871°N,	1,599
	76.4547°W		76.4268°W	
Severn River	39.9748°W,	to	39.9411°N,	7,497
	76.4547°N		76.4502°W	
Oyster Creek	38.9273°N,	to	38.9272°N,	34
	76.4628°W		76.4623°W	
Fishing Creek	38.9147°N,	to	38.9073°N,	228
	76.4590°W		76.4600°W	
South River	38.9073°N,	to	38.4848°N,	5,904
	76.4600°W		76.4908°W	
West and Rhode Rivers	38.4848°N,	to	38.8531°N,	4,370
	76.4908°W		76.4959°W	
			Total Area	27,379

The criteria for EPA to make its determination are based on Clean Water Act 312(f), 33 U.S.C. 1322(f), and EPA's implementing regulations found at 40 CFR 140.4. A detailed EPA guidance document entitled "Protecting Coastal Waters from Vessel and Marina Discharges: A Guide for State and Local Officials, Volume 1. Establishing No-Discharge Areas under section 312 of the Clean Water Act (EPA 842-B-94-004, August 1994)" provides additional detail and informs EPA's analysis. The two primary criteria upon which an affirmative decision is based are: 1) a certifying statement of need by the state that the waters described in the application require greater environmental protection; and 2) demonstration by the state that there are adequate vessel sewage pumpout facilities available to the boating public, in lieu of direct discharge of treated sewage into the waters described in the application.

In the application, Maryland certified that the waters of the City of Annapolis and Anne Arundel County require greater environmental protection than provided by currently applicable Federal regulations. All Anne Arundel County tributaries drain into the Chesapeake Bay. The Magothy River, White Hall Bay/Meredith River, Severn River, South River, Rhode River and West River have been listed on current or previous Clean Water Act 303(d) lists of impaired waters by Maryland as impaired for shellfish harvesting due to fecal coliform. As such, many shellfish beds are restricted or closed. All except White Hall Bay/Meredith Creek are also impaired for nutrients (nitrogen and phosphorus) and all except the White Hall Bay/Meredith Creek and West River for total suspended solids (TSS). While marine sanitation devices lower fecal coliform levels, they do not effectively eliminate nutrients or solids. A no-discharge zone is expected to help reduce levels of nutrients, total suspended solids, and fecal coliform within these impaired waters.

Anne Arundel County, Maryland, supports a long history of boating, highlighted by the establishment in 1845 of the U.S. Naval Academy in the county seat and state capital, Annapolis, along with active centers of boat-building, fishing, crabbing, and oystering from the earliest settlements into the 1980s. In recent decades, commercial vessels have largely given way to so much recreational boating that Annapolis is well known as "The Nation's Sailing Capital." The U.S. Sailboat and Powerboat Shows, held annually in Annapolis each October since 1970, are the largest in-the-water boat shows in the United States. The 2017 Portbook lists 96 recreational boating businesses in Anne Arundel County; and identifies several more that support and depend on recreational crabbing and fishing.

Maryland provided documentation indicating that the maximum total vessel population is estimated to be 29,789 vessels, the majority of which are recreational. The most conservative vessel population estimates provided by Maryland suggest that there are 7,182 vessels less than 16 feet in length, 10,307 vessels between 16 feet and 26 feet in length, 9,072 vessels between 26

feet and 40 feet in length, and 3,228 vessels greater than 40 feet in length. Commercial traffic on these waterways is limited to boat rental companies, public charter boats and several small cruise ships. Based on the number and size of vessels and EPA guidance, the estimated number of vessels requiring pumpout facilities in the City of Annapolis and Anne Arundel County during peak occupancy is 2,924 vessels.

Based on the boater population in the City of Annapolis and Anne Arundel County, EPA guidance recommends that 46 pumpout facilities are needed to adequately service the vessel population. Maryland certified that there are 63 marinas offering public pumpout service, including 60 stationary units, nine portable units and three mobile pumpout boats. A list of the facilities, phone numbers, locations and hours of operation follows.

Station	Location	Phone	Hours	Depth	Off Season Operatio n	Limited Overhead	Address		
■ AREA : PATAPSCO RIVER (11)									
Atlantic Marina Resort	Patapsco River (mouth)	410-437- 6926	9-5 Daily	4'	No	NA	2010 Knollview Ave, Pasadena, MD 21122		
Blake's Bar Harbor	Patapsco River Rock Creek	410-255- 5500	8-6 Daily	4'	No	NA	208 Bar Harbor Rd, Pasadena, MD 21122		
Fairview Marina	Patapsco River Rock Creek	410-437- 3400	Mon-Fri 8- 4; Sat- Sun 8-3	5'	No	NA	1575 Fairview Beach Rd, Pasadena, MD 21122		

Hammock Island Marina	Patapsco River Bodkin Creek	410-437- 1870	10-4 daily	7'	No	NA	8083 Ventnor Rd, Pasadena, MD 21122
Maryland Yacht Club	Patapsco River Rock Creek	410-255- 4444	8-4 daily	17'	Yes	NA	1500 Fairview Beach Rd, Pasadena, MD 21122
Nabbs Creek Marina	Patapsco River Stoney Creek	410-437- 0402	8:30-5 daily	6'	No	Yes	864 Nabbs Creek Rd, Glen Burnie, MD 21060
Oak Harbor Marina	Patapsco River Rock Creek	410-255- 4070	24-7	15'	No	NA	1343 Old Water Oak Point Rd, Pasadena, MD 21122
Pasadena Yacht Yard	Patapsco River Rock Creek	410-255- 1771	9-5 daily	4'	No	NA	8631 Fort Smallwood Road Pasadena, MD 21122
Pleasure Cove Marina	Patapsco River Bodkin Creek	410-437- 6600	Mon-Thur 9-6; Fri- Sun 9-8	8'	Yes	NA	1701 Poplar Ridge Rd, Pasadena, MD 21122
Ventnor Marina	Patapsco River Bodkin Creek	410-255- 4100	9-5 daily	10'	Yes	NA	8070 Ventnor Rd, Pasadena, MD 21122

White Rocks Marina & Boatyard	Patapsco River Rock Creek	410-255- 3800	Mon-Fri 9- 3; Sat 11- 2	14'	No	NA	1402 Colony Rd, Pasadena, MD 21122
Atlantic Marina on the Magothy	Magothy Magothy River/Gra ys Creek	410-360- 2500	9-5 daily	6'	No	NA	487 New York Ave, Pasadena, MD 21122
Fairwinds Marina	Magothy Marina	410-974- 0758	8-5 daily	6'	No	NA	1000 Fairwinds Dr, Annapolis, MD 21409
Ferry Point Marina	Magothy River/Mill Creek	410-544- 6368	7am-8pm daily	14'	Yes	NA	1606 Marina Dr, Trappe, MD 21673
Hamilton Harbour Marina	Magothy River	410-647- 0733	Thurs- Tues 9-5	12'	No	NA	368 North Dr, Severna Park, MD 21146
Hinckley Yachts	Whitehall Creek	443-951- 4380	M-F 8-9 S/S by appt.	11'	Yes	NA	1656 Homewood Landing Road, Annapolis, MD 21409
Magothy Marina	Magothy River	410-647- 2356	Mon-Thur 8-6, Fri- sun 8-8	16'	No	NA	360 Magothy Rd, Severna Park, MD 21146

Podickory Point Yacht Club	Chesapea ke Bay	410-757- 8000	9-5 daily	5'	No	NA	2116 Bay Front Terrace, Annapolis, MD 21409
Sandy Point State Park	Chesapea ke Bay SEVERN RIVE	410-974- 2149 =R (17)	24-7	6'	No	NA	1100 E College Pkwy, Annapolis, MD 21409
BAREA. 3	DEVERN RIVE	-K (17)					
Annapolis City Marina	Severn River Spa Creek	410-268- 0660	8-8 daily	14'	Upon Request	NA	410 Severn Ave, Annapolis, MD 21403
Annapolis Landing Marina	Severn River Back Creek	410-263- 0090	10-5 daily	6'	No	NA	980 Awald Rd, Annapolis, MD 21403
Annapolis Maryland Capital Yacht Club	Severn River Back Creek	410-269- 5219	9-5 daily	8'	No	NA	16 Chesapeake Landing, Annapolis, MD 21403
Bert Jabin's Yacht Yard	Severn River Back Creek	410-268- 9667	8-4:30 daily	8'	No	NA	7310 Edgewood Rd, Annapolis, MD 21403
Chesapea ke	Chesapea ke Bay	410-268- 1969	9-5 daily	8'	No	NA	2030 Chesapeake

Harbour Marina							Harbour Dr E, Annapolis, MD 21403
City of Annapolis Pumpout Boat	Severn River Spa Creek	410-320- 6852	Mon- Sat 8-4:30	na	na	NA	na
Eastport Yacht Center	Severn River Back Creek	410-280- 9988	8-4 daily	8'	No	NA	726 2nd St, Annapolis, MD 21403
Horn Point Harbour Marina	Severn River Back Creek	410-263- 0550	9-5 daily	8'	No	NA	105 Eastern Ave, Annapolis, MD 21403
JPort Marina	Severn River Back Creek	410-280- 8692	9-5 daily	9'	No	NA	7074 Bembe Beach Rd, Annapolis, MD 21403
Little John Marina	Severn River Brewer Creek	410-841- 6491	9-5 daily	15'	No	NA	134 Sherwood Forest Road, Sherwood Forest, MD 21405
Mears Marina	Severn River Back Creek	410-268- 8282	24-7	10'	No	NA	519 Chester Ave, Annapolis, MD 21403
Pines on	Severn	410-370-	24-7	10'	No	NA	21012,

the Severn	River/Cha se Creek	2948					Arnold, MD 21012
Port Annapolis Marina	Severn River Back Creek	410-269- 1990	8-4:30 daily	10'	Yes	NA	7074 Bembe Beach Rd, Annapolis, MD 21403
Smith's Marina	Severn River Little Round Bay	410-923- 3444	8 - 8 daily	7'	No	Yes	529 Ridgley Rd, Crownsville, MD 21032
The President Point	Severn River Spa Creek	410-991- 9381	7-7 daily	5'	No	NA	
Watergate Pointe Marina	Severn River/Bac k Creek	443-926- 1303	24-7	7'	No	NA	655 Americana Dr, Annapolis, MD 21403
Yacht Haven of Annapolis	Severn River Spa Creek	410-267- 7654	Mon-Fri 7:30-4:30	11'	No	NA	326 First St, Annapolis, MD 21403
■ AREA : S	OUTH RIVEF	R (13)					
Anchor Yacht Basin	South River Selby Bay	410-798- 1431	8-5 daily	5'	No	NA	1048 Turkey Point Rd, Edgewater, MD 21037
Arundel on the Bay	South River/Fish ing Creek	443-253- 0596	dawn to dusk	4-6'	Yes	NA	PO Box 4665, Annapolis

Fishing Creek	South River Duvall Creek		24-7	7'	No	NA	122 Cherry Lane, Annapolis 21403
Holiday Point Marina	South River Selby Bay	410-956- 2208	Mon-Fri 7:30-4; Sat by appointm ent	6'	Yes	NA	3774 Beach Dr Blvd # C, Edgewater, MD 21037
Liberty Marina	South River	410-266- 5633	8-4:30 daily	15'	Yes	Yes	64 Old South River Rd, Edgewater, MD 21037
Mayo Ridge Marina	South River Ramsey Lake	410-798- 1952	9-7 daily	5'	Yes	NA	1293 Mayo Ridge Rd, Edgewater, MD 21037
Norris Marina	South River Ramsey Lake	410-798- 0275	8-4 daily	8'	No	Yes	1111 Turkey Point Rd, Edgewater, MD 21037
Oak Grove Marine Center	South River	410-266- 6696	Mon-Fri 10-6; Sat- Sun 8-7	9'	No	NA	2820 Solomons Island Rd, Edgewater, MD 21037
Oyster Harbor	South River/ Oyster Creek	410-280- 8999	24-7	6'	No	NA	PO Box 3174, Annapolis

Pier 7 Marina	South River	410-956- 2288	9-5 daily	12'	No	Yes	48 S River Road South, Edgewater, MD 21037
Pocahont as Marina	South River/ Pocahont as Creek	410-533- 8752	24-7	10'	Yes	NA	3365 Pocahontas Drive Edgewater, MD 21037
Selby Bay Marina	South River Selby Bay	410-798- 0232	9-5 daily	8'	Yes	NA	931 Selby Blvd, Edgewater, MD 21037
Turkey Point Marina	South River Ramsey Lake	410-798- 1369	Tues-Sat 9-5	4'	No	No	1107 Turkey Point Rd, Edgewater, MD 21037
<u> AREA</u> : R	HODE RIVE	R (5)					
Blue Water Marina	Rhode River, Bear Neck Creek	410-798- 6968	10-5 daily	10'	No	NA	1024 Carrs Wharf Rd, Edgewater, MD 21037
Cadle Creek Marina	Rhode River Cadle Creek	410-798- 1915	9-5 daily	6'	No	NA	4159 Cadle Creek Rd, Edgewater, MD 21037
Casa Rio Marina	Rhode River Cadle Creek	410-798- 4731	Mon-Fri 8 - 4	5'	Yes	NA	4079 Cadle Creek Rd, Mayo, MD 21106

Rhode River Marina	Rhode River Back Neck Creek	410-798- 1658	8-5 daily	9'	No	NA	3932 Germantown Rd, Edgewater, MD 21037
West/Rho de Riverkeep er Pumpout Boat	Rhode River	443-221- 5104 or VHF channel 71	Fri- Mon 8-6		No	NA	4800 Atwell Road, Edgewater, MD 21037
<u> AREA</u> : W	VEST RIVER	(7)					
Backyard Boats	West River/Parr ish Creek	301-261- 5115	8-4 daily	10'	Yes	NA	4819 Woods Wharf Rd Shady Side, MD 20764
Chesapea ke Yacht Club	West River	410-867- 1500	Wed-Mon 9-4	8'	No	NA	4943 Hine Dr, Shady Side, MD 20764
Hartge Yacht Harbor	West River	443-607- 6306	Mon-Fri 8- 5; Sat- Sun 9-5	10'	No	NA	4883 Church Ln, Galesville, MD 20765
Shady Oaks Marina	West River	410-267- 1808	8-8 daily	5'	No	NA	846 Shady Oaks Rd, West River, MD 20778
West/Rho de River Keeper Pump out	West River	443-221- 5104 or VHF channel 71	Fri-Mon 8- 6		No	NA	4800 Atwell Road, Edgewater, MD 21037
West River Fuel Dock	West River	410-867- 1444	M-Th 9-5 S/S 8-6 Fri 9-6	8'	No	NA	4801 Riverside Dr. Galesville, MD 20765
West River	West River	301-672- 3473	8-6 daily	7'	Yes	NA	4801 Riverside Dr,

Yacht Harbor Condo							Galesville, MD 20765	
■ AREA : WHITEHALL BAY (1)								
John L- Dunning Memorial Pier	Mill Creek/Mill Creek Cove	410-293- 9202	9-5 Mon- Sun	12'	Yes	NA	140 Hooper High Rd. Annapolis, MD 21403	

The use of these facilities imposes minimal cost. As shown in the table below, pumpout facilities located within the proposed no-discharge zone charge fees that range from \$3.00 to \$50.00, with 55 of 63 available facilities charging \$5.00 or less, including 15 facilities that are free to use. According to Maryland's application, the majority of commercial vessels operating in the proposed no-discharge zone are already equipped with holding tank capacity and therefore are not expected to experience incremental cost increases associated with a designation.

Fee	Number of Pumpout Facilities	Proportion of Pumpout Facilities
Free	15	24%
\$3	1	1.5%
\$5	39	62%
\$10	5	8%
\$15	2	3%
\$50	1	1.5%
Total	63	100%

Based on the information above, EPA hereby makes a tentative affirmative determination that

adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are

reasonably available for all thirteen waters located in the City of Annapolis and Anne Arundel

County.

Dated: September 17, 2020.

Cosmo Servidio,

Regional Administrator,

EPA Region III.

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